



**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SAN FRANCISCO SESSION  
JANUARY 27, 2010**

*[Scheduling conflicts have required that the Supreme Court  
move its February Oral Argument Calendar to the above date.]*

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on January 27, 2010.

**WEDNESDAY, JANUARY 27, 2010—9:00 A.M.**

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|-----|---------|--|
| (1) | S164928 | Steiner v. Thexton (Siddiqui Family Partnership, Intervener)   |
| (2) | S159690 | Stockton Citizens for Sensible Planning et al. v. City of<br>Stockton (A.G. Spanos Construction, Inc. et al., Real Parties<br>in Interest) |
| (3) | S158898 | People v. Cogswell (Henry Ivan)  |
| (4) | S062562 | People v. Taylor (Brandon Arnae) [Automatic Appeal]  |

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**GEORGE**  
*Chief Justice*

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

**WEDNESDAY, JANUARY 27, 2010—9:00 A.M.**

**(1) *Steiner v. Thexton (Siddiqui Family Partnership, Intervener)*, S164928**

#08-146 Steiner v. Thexton (Siddiqui Family Partnership, Intervener), S164928.

(C054605; 163 Cal.App.4th 359; Superior Court of Sacramento County; 04AS04230.)

Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) When a contract contemplates the sale of real property but provides that the buyer may revoke the contract at any time and for any reason before its efforts to obtain county approvals and permits are completed, is the agreement an option agreement that is unenforceable (and may thus be revoked by the seller) because there is no consideration for the option, or does the implied covenant of good faith and fair dealing sufficiently eliminate the buyer's discretion to revoke so that the agreement is, in fact, a purchase agreement that may be enforced against the seller? (2) Did the trial court and the Court of Appeal err in declining to apply the doctrine of promissory estoppel where the buyer purportedly changed its position to its detriment in reliance on the seller's promise to sell, or would it be inequitable to find an implied promise by the seller not to revoke the agreement?

**(2) *Stockton Citizens for Sensible Planning et al. v. City of Stockton (A.G. Spanos Construction, Inc. et al., Real Parties in Interest)*, S159690**

#08-32 Stockton Citizens for Sensible Planning et al. v. City of Stockton (A.G. Spanos Construction, Inc. et al., Real Parties in Interest), S159690. (C050885; 157 Cal.App.4th

332; Superior Court of San Joaquin County; CV024375.) Petition for review after the Court of Appeal affirmed the judgment in an action for writ of administrative mandate. This case presents the following issue: Was plaintiffs' challenge to the approval of a Wal-Mart Supercenter project filed within the applicable statute of limitations on the theory that the approval was invalid and thus did not trigger the running of the limitations period?

**(3) *People v. Cogswell (Henry Ivan), S158898***

#08-27 *People v. Cogswell (Henry Ivan), S158898*. (D049038; 156 Cal.App.4th 698; Superior Court of San Diego County; SCN201693.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: Must a prosecutor request that an out-of-state sexual assault victim, who does not wish to return to California and testify, be taken into custody under the Uniform Act to Secure Attendance of Witnesses from without the State in Criminal Cases (Pen. Code, § 1334 et seq.) in order to demonstrate the due diligence required to satisfy the finding of unavailability under Evidence Code section 240 that would permit the victim's preliminary hearing testimony to be admitted into evidence at trial?

**(4) *People v. Taylor (Brandon Arnae), S062562 [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.